

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FRANCIS MANNAH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	
EDWARD DECKER, ANN MARIE	)	
CAMPBELL, TIM HOURIGAN,	)	
MATT CAREY, TANASHIER	)	
MILLER, MICHAEL JACKSON,	)	
TUNYA JACKSON, DAVID	)	
SHARPTON, MARYBELL ROTIZ,	)	
TODD BOHANNAN, and KARINY	)	
THOMAS,	)	
	)	
Defendants.	)	

**DEFENDANTS' NOTICE OF REMOVAL**

COME NOW Defendants Edward Decker, Ann Marie Campbell, Tim Hourigan, Matt Carey, Tanashier Miller, Michael Jackson, Tunya Jackson, David Sharpton, Marybell Rotiz, Todd Bohanna, and Kariny Thomas (collectively “Defendants”), and, pursuant to 28 U.S.C. § 1331, 1441, and 1446, hereby file their Notice of Removal and remove this action from the Superior Court of Rockdale County to this Court on the basis of diversity jurisdiction. In support of removal, Defendants respectfully show the Court as follows:

1.

On March 30, 2023, Plaintiff Francis Mannah (“Plaintiff”) filed his Complaint in the Superior Court of Rockdale County (the “State Court Action”), asserting claims under federal and state law against Defendants. The State Court Action is presently pending under the caption *Francis Mannah v. Edward Ted Decker, et al.* and is docketed as Civil Action File No. 2023CV1461.

2.

**State Process, Pleadings, and Filings:** Pursuant to 28 U.S.C. § 1446(a), Defendants attach hereto a true and correct copy of Plaintiff’s Complaint in the State Court Action (the “Complaint”). *See Exhibit A.* Defendants also attach all process, pleadings, and orders from the State Court Action under 28 U.S.C. § 1446(a). *See Exhibit B.*

3.

**Timely Removal:** As attached hereto, Defendants were never properly served as personal service was not perfected on any Defendant. *See Exhibit A.* Although Plaintiff alleges service via mail on Defendants, those documents reflect that Plaintiff mailed them to another entity and not Defendants on March 30, 2023. To date, Plaintiff has not filed proof of services for Defendants. Defendants received notice through other means on April 4, 2023. Thus, in accordance with 28 U.S.C. § 1446(b)(1),

Defendants show this Notice is filed within thirty (30) days after its receipt of a copy of the initial pleading setting forth Plaintiff's claims for relief.

4.

**Federal Claims:** On its face, Plaintiff's Complaint seeks recovery from Defendants for alleged violations of Title VII of the Civil Rights Act of 1964, as amended. *See Exhibit A, at ¶ 7.* Plaintiff asserts purported causes of action pursuant to: (1) "Title VII of the Civil Rights Act of 1964"; (2) the "14<sup>th</sup> Amendment to the United States Constitution"; (3) "O.C.G.A. § 34-8-190(c)"; (4) "O.C.G.A. § 34-8-258"; (5) the "Freedom of Information Act"; and (6) the "Georgia Open Records Act." *See Id., passim.* Plaintiff alleges damages for "punitive damages; mental anguish; pain and suffering; racial discrimination; humanitarian suffering and deprivation of peace and happiness." *See Id. ¶ 7.*

5.

**Original Question Jurisdiction:** Accordingly, the State Court Action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1343 and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446 because it is founded on claims or rights arising under the laws of the United States, namely Title VII of the Civil Rights Act of 1964, as amended. The Court must also exercise

supplemental jurisdiction over the state law claims Plaintiff pursues under Georgia law. *See* 42 U.S.C. § 1367.

6.

Under 28 U.S.C. § 90(a)(3), the United States District Court for the Northern District of Georgia is the district court having jurisdiction over the geographical area where the State Court Action is pending. Thus, Defendant may remove this action from the Superior Court of Rockdale County to this Court pursuant to 28 U.S.C. § 1446(a).

7.

After its filing of this Notice of Removal and receipt of a notice of filing and docketing, Defendants will contemporaneously provide written notice of this Notice of Removal with the Clerk of the Superior Court of Rockdale County and serve its Notice of Removal on Plaintiff which shall effectuate removal pursuant to 28 U.S.C. § 1446(d). A copy of the contemporaneous Notice of Notice of Removal provided to Plaintiff is attached hereto as **Exhibit C**. Defendants also contemporaneously filed a written notice with the Clerk of the Superior Court of Rockdale County, a copy of which is attached hereto as **Exhibit D**.

8.

After the undersigned performed a reasonable inquiry—and to the best of the

undersigned's knowledge, information, and belief—this Notice of Removal is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

9.

**Consent of All Defendants for Removal:** The undersigned counsel represents all Defendants in this case and each Defendant consents and authorizes the undersigned counsel to removal to this forum. Therefore, Defendants' removal of this action complies with 28 U.S.C. § 1446(b)(2)(A) as all Defendants of record consent and authorize the undersigned counsel to the removal to this Court.

**WHEREFORE**, based on the foregoing, Defendants respectfully request that this the State Court Action be removed to this Court from the Superior Court of Rockdale County and this Court assume full jurisdiction over this matter as provided by law.

This 1<sup>st</sup> day of May, 2023.

**JACKSON LEWIS P.C.**

/s/ Timothy M. Boughey  
Tracie Johnson Maurer  
Georgia Bar No. 395670  
Timothy M. Boughey  
Georgia Bar No. 832112  
171 17<sup>th</sup> Street, N.W.

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**CERTIFICATION OF COMPLIANCE**

In accordance with Civil Local Rules 5.1C and 7.1D, I hereby certify that this document has been prepared in 14 point, Times New Roman font.

**JACKSON LEWIS P.C.**

/s/ Timothy M. Boughey  
Tracie Johnson Maurer  
Georgia Bar No. 395670  
Timothy M. Boughey  
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THOMAS,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing **DEFENDANTS' NOTICE OF REMOVAL** by filing the pleading with the Court's e-filing system which will generate electronic service to all parties of record. I also mailed a copy to Plaintiff pro se at the following address:

Francis Mannah  
285 Trelawney Drive  
Covington, Georgia 30016

This 1<sup>st</sup> day of May, 2023.

**JACKSON LEWIS P.C.**

/s/ Timothy M. Boughey

Tracie Johnson Maurer

Georgia Bar No. 395670

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